

SPECIAL FARMINGTON CITY COUNCIL MEETING

Thursday, November 9, 2006

PLANNING COMMISSION/CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Jill Hedberg.

Mayor Harbertson began discussion at 5:00 P.M. The following items were reviewed:

REVIEW OF WASATCH FRONT REGIONAL COUNCIL'S FUTURE TRANSPORTATION ALTERNATIVES

Representatives from the Wasatch Front Regional Council (WFRC) were present to discuss future transportation alternatives to the City Council, City staff, and members of the Planning Commission (Cory Ritz and John Bilton).

Mayor Harbertson said the discussion was taking place to clarify the City's position regarding future alignments.

Max Forbush said he reviewed transportation maps at an open house that was held by the WFRC. He found that the maps portrayed the BRT alignment and Glover Lane interchange incorrectly.

Chuck Chappell (WFRC Executive Director) said the purpose of the open house was to receive input from the City's during the early planning stages. He said WFRC developed three different alternatives to test new ideas and concepts. The final transportation plan will be an amalgamation of the three alternatives. He passed out copies of the adopted plans for the region, as well as alternative maps. He then described the following three alternatives:

- **Highway System Alternative 1 / Transit Alternative 1:** This alternative was created as a result of the Visioning Process 2040. Highway 89 would act as a freeway through the City and a freeway interchange would exist at Lund Lane.
- **Highway System Alternative 2 / Transit Alternative 2:** This alternative would have an emphasis on freeway systems from Weber County to Salt Lake. The existing freeways would be widened, while Highway 89 would remain unchanged.
- **Highway System Alternative 3 / Transit Alternative 3:** This alternative would create new arterials, as well as widen the existing arterials. Highway 89 would act as a freeway. I-15 would be widened at the south end of Farmington. There would not be an interchange at Lund Lane.

Greg Scott explained that the Regional Transportation Plan is updated every four years. Although the City's preferred alignments are not included on the maps, they are included in the models. He stated that they have begun the environmental process with Carter-Burgess. UDOT is administering the project and will study the South Davis project (which includes the Farmington alignment).

David Petersen said Carter-Burgess will form a technical committee and has asked that individuals from the City be on that committee. The first meeting will be held in December.

Discussions ensued regarding the BRT alignment. City representatives indicated that their preferred alignment is the Frontage Road via Lund Lane. **Greg Scott** said WFRC will attempt to find a common ground prior to determining the alignment.

Sid Young questioned whether the commuter rail will continue past Ogden.

Greg Scott said the COG recommends that the commuter rail continue past Ogden but it is beyond WFRC's jurisdiction. They have offered to model the plan.

Mayor Harbertson said the City is opposed to the proposed BRT alignment. He questioned why Farmington has two corridors when it is only a single corridor on the other side of the City.

Greg Scott said the recommendation came as a result of the last study. He said Centerville City is still in favor of the Main Street alignment and is less interested in exclusive lanes. Farmington has the option to have the same alignment as Centerville since there is not enough congestion to justify an exclusive lane.

Chuck Chappell referred to the public hearing that was held where 350 Farmington residents were unanimously opposed to the proposal to locate the by-pass on the west side of the City. He said it would be a considerable risk to concentrate the regional traffic to one point. The north/south flow will eventually be shut down as a result of an accident.

Mayor Harbertson said the solution could occur anywhere from Farmington to Parrish Lane. It does not have to occur at Park Lane.

Chuck Chappell said he understood the City's position but he knows that the traffic will eventually shut down at the point where Legacy Highway, Highway 89 and I-15 meet. He asked if there is any way to offer an alternate highway route through the City.

Mayor Harbertson said he attended a meeting with City representatives, Cory Pope, Representative Fisher, and Horrocks Engineers. He was informed that the Northern Utah Caucus

is in favor of the D&RG proposal. They believe it will cause the least impact, although a study has not yet been done.

The City representatives discussed the D&RG alternative and the fact that if there were a chemical spill, the D&RG would likely be close enough in proximity that it would be at risk.

Chuck Chappell asked if it would be possible to include an alignment on the west side of the City. He said the planning process is “falling short” due to the controversy they are receiving from the City.

The City representatives discussed the possibility of locating the corridor near the lake, although concern was expressed regarding the number of wetlands on the west side. They were strongly opposed to the corridor being located in the “heart of the City” since it would divide the community.

Mayor Harbertson said the best solution needs to be found for the City - no matter what the cost.

Greg Scott said they consider it a negative if the corridor will impact sensitive lands or will divide communities.

REVIEW OF AGENDA

Agenda Item #3: Public Hearing: Consideration of Appeal of Planning Commission’s decision to deny a request for conditional use and site plan approval (application #C-5-06) for a Class A self-storage facility located at 549 West Bourne Circle adjacent to South side of Park Lane on 3.011 acres - Nixon & Nixon, Inc.

Mayor Harbertson explained that the Planning Commission denied the applicant’s request since it was not part of a PUD/PCD, which is a requirement of the CMU zone. Another issue that needs to be considered is whether the property is a primary location or a secondary location. In his opinion, the property is a primary location and the surrounding properties will continue to develop as primary locations. **David Petersen** spoke with five local Realtors, three of which believed the property is inappropriate for Class A storage units; the other two Realtors believed it should be based on the input given by the City.

Todd Godfrey said after reviewing the Planning Commission material, he believes that the Planning Commission based their decision on the process and not the actual merits of the application. In his opinion, the issue relating to the process needs to be resolved. He suggested considering the area as a whole. It could then be determined whether it is located in a primary or secondary area.

John Bilton said the Planning Commission was unable to grant the request because the text requires that there be “unified control”. He said the Planning Commission also considered the Hunsaker application which is facing the same issues since it is located in the same subdivision.

Todd Godfrey said the City needs to recognize that the applicant has a valid appeal. If the Council resolves the procedural defect by having the application reconsidered by the Planning Commission, it will also resolve the issues relating to the Hunsaker application. The Planning Commission should offer a recommendation as to whether the site is considered primary or secondary.

Agenda Item #5: Miscellaneous

Max Forbush explained that Rocky Mountain Power is now using decorative street lighting instead of the wooden pole lighting. The decorative lights are only 14' high and do not provide the same amount of light as the wooden pole lighting did. He recommends that the City send a letter to Rocky Mountain Power requesting that the decorative lights be placed at 300-400' intervals, and also at all intersections and cul-de-sacs. The cost would be similar to what the City has paid in the past but there will be twice as many lights. He passed out a handout which illustrates the different styles of lights that are offered by Rocky Mountain Power.

Agenda Item#2: Public Hearing: Consideration of request to rezone approximately 9.8 acres located at 48 West 600 North (Haugen Property) from OTR-F, LR-F and A-F to R-2-F/Consideration of Schematic Plan approval for proposed 30 twin home buildings (60 units) - Brady Hall

Mayor Harbertson reviewed the applicant's request. He recommended that **Council Member Haugen** excuse himself during the discussion and exit the building.

Larry Haugen said he is the only member of the Haugen family who is capable of speaking on the family's behalf.

Mayor Harbertson suggested that **Council Member Haugen** recuse himself and participate in the discussion as a citizen, rather than a member of the Council.

Max Forbush passed out copies of the letters that the City has received from the residents regarding the application.

Todd Godfrey informed the members of the Council that **David Hale** would have to be excused to attend another meeting. He said the Council has the option to table consideration of the item to allow all of the Council members to be present when action is taken.

The meeting adjourned at 6:40 P.M.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Jill Hedberg.

Mayor Harbertson called the meeting to order at 7:00 P.M. **Rick Dutson** offered the invocation. The Pledge of Allegiance was led by **Mayor Harbertson**.

**PUBLIC HEARING: CONSIDERATION OF REQUEST TO REZONE
APPROXIMATELY 9.8 ACRES LOCATED AT 48 WEST 600 NORTH (HAUGEN
PROPERTY) FROM OTR-F, LR-F AND A-F TO R-2-F/CONSIDERATION OF
SCHEMATIC PLAN APPROVAL FOR PROPOSED 30 TWIN HOME BUILDINGS (60
UNITS) - BRADY HALL (Agenda Item #2)**

Council Member Haugen recused himself from the rostrum and took a seat in the audience.

David Petersen displayed an overhead of a Vicinity Map and pointed out where the property is located. He also displayed an overhead of the development proposal which consists of 5.5-6 units per acre. He reviewed the applicant's request to develop a PUD consisting of 60 dwelling units. He explained that there have been many developers who have expressed an interest in the property but their proposals included a much higher density. Although the current developer is proposing a lower density, it is still higher than is allowed by the General Plan. He displayed a slide and explained how the properties in the area are zoned. He said the applicant's request to develop 6 units per acre is closer to the low density residential standards than to the medium density residential standards.

Mr. Petersen read the recommendations and findings that were given by the Planning Commission which were outlined in a letter he wrote to Brady Hall on October 17, 2006. The Planning Commission recommended that the City Council approve the application and that a reverter clause be included in the zoning ordinance stating that if the property is not developed by Brady Hall/North Park Development, the property shall revert to its original zone.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing and invited the applicant to address the Council.

Terry Derue (North Park Development) gave the background information of the

individuals who would be involved in the project. He said they are an atypical builder since they focus on quality rather than volume. They have gone to great lengths to make the project work for all of the property owners involved. He presented slides which include the street layout, as well as a rendering of how the project will look when complete. He said the project will target senior citizens who, according to the traffic study, will generate less traffic than that of a single-family development. He offered the following reasons why the City Council should accept the proposal: the Planning Commission spent many hours holding public hearings and visiting the site; most of the properties in the area are zoned R-8 or R-4; the properties will be aesthetically enhanced; the R-2 zone will not generate additional traffic; health and safety issues that currently exist will be resolved.

Steven Purcell (59 East 600 North) said he was opposed to the proposal since it would increase the traffic in the area. Motorists would be forced to travel the roads further to the east since it would be too difficult to cross Main Street.

Chris Taylor (Farmington resident) said she is not opposed to the property being developed but is opposed to the proposed density. She said the development would distract from the beauty of the area near the pond. She would prefer that the Haugen property be considered when **Larry Haugen** is not a member of the City Council.

John Bradshaw (259 East 100 North) said he is aware that the property will eventually be developed but is concerned that the current proposal will detract from the character of the old town area. He said the Council should consider the fact that there is not a way to control whether the units are owner-occupied or whether the development will be limited to senior citizens. He asked that the Council protect the character of Farmington for future generations.

Janice Rose (48 West 600 North) said she is in favor of the proposed development and believes it will provide beautiful housing for senior citizens

Don Bradshaw (650 North 90 West) said he was speaking on behalf of his family, as well as LeAnn and Linda Evans, who own the adjacent property. He is opposed to the high density proposal since it would generate additional traffic on 600 North. His family and the Evans family own seven acres of undeveloped land on the north end of Farmington. If the Council allows the property to be rezoned, their seven acres will have to be given the same consideration as the current proposal. If the proposal is allowed, the high density development will become a “rental ghetto” since there is no way to prevent the units from being rented. He gave the Council a copy of the letter that was written by the Evans.

Dave Anderson (631 North 40 East) said he would not be opposed to the development if the developers were requesting less density.

[**David Hale** was excused to attend another meeting at 7:50 P.M.]

Ray Jones (477 North 200 East) said the current proposal for multiple dwellings near the old part of Farmington is disturbing. He is not opposed to development but is opposed to the proposed density since the other multi-family dwellings in the area have become run down. He said the Haugen property would be improved if the proposal were approved, but it would only create other issues in the future. The property owners and developers are trying to benefit financially at the expense of Farmington residents.

Jim Taylor (83 East 600 North) said he represents the 75 residents who signed a petition opposing the high density proposal. He gave City staff a copy of the petition. The residents who signed the petition were mainly opposed to the high density. Many of the residents did not think their input would be considered by the Council. He said the Haugen property needs to be improved but not in exchange for high density housing and increased traffic. He suggested that a committee be formed to find an acceptable proposal that satisfies all of the residents.

Jean Bradshaw (650 North 100 West) said the developer stated at the Planning Commission meeting that if it is too costly to correct the environmental problems that exist on the Haugen property, they will discontinue the project. If the developer were to abandon the project, it would create additional problems for the area.

Kay Andreason (450 North 200 East) said she is concerned that if the rezone is approved, it will impact the small town atmosphere that exists in the area. She suggested that the Haugens clean up their property rather than relying on the current proposal to address the problem.

Nola Nielsen (607 North Main Street) said she was concerned that if the twin homes are approved, the property values in the area will decrease and the current residents will have difficulty selling their homes. She requested that the area remain zoned for low density, single-family dwellings.

Todd Holt (662 North 100 East) said he is an FBI agent and has seen first hand how multi-family housing deteriorates neighborhoods. He said the attractive development that is being portrayed by the developers will not remain that way over the long-term.

Joe Judd (108 West 600 North) read from a letter he wrote to the Council requesting that the current zoning commitment be honored. The proposal will only maximize profits for a handful of individuals at the expense of Farmington residents. Zoning mistakes that have occurred in the past should not be repeated.

Joe Judd also spoke on behalf of **Megan Crowley** who also wrote a letter opposing the development for reasons relating to: traffic, hillside stability, and the safety of the citizens.

Tom Owens (Old Mill) said there is a unique opportunity to improve the future of

Farmington. The City should find a better solution for the property which will preserve the City's history for future generations. He said the current proposal is based on greed.

Joel Anderson (57 West 600 North) said he and his wife are in favor of the project. He believes that property owners have the right to sell their property. If residents are opposed to the development, they should raise the money to purchase the property. Over the years, he has seen many single-family home projects end up in disrepair. The current proposal includes high quality twin homes that are made for older residents who are not longer interested in maintaining their yards. He said he is a builder and has seen first hand that single-family homes do not constitute less traffic than twin homes.

Keith Taylor (83 East 600 North) said she is against the project. She said the developer told the Planning Commission that there are approximately 120 cars that visit the Haugen Body Shop daily. She personally counted the number of cars that visit the property and it is actually between 30 and 40 cars. She said there are at least 200 cars that use 600 North on a daily basis.

Rick Johanson (1293 West Burke Lane) said he is in favor of the development. It is a great opportunity for the City to improve the Haugen property. He said there are many twin-home communities that offer a quiet atmosphere for senior citizens to live. The developers have gone to a great effort to offer a quality product. He said he spoke with a traffic engineer who informed him that single-family homes will generate almost twice as much traffic as twin homes that are used by empty-nesters.

Larry Haugen (94 East 500 North) said the residents who are opposing the current proposal also opposed a previous proposal that consisted of single-family homes. He said he will not benefit from the sell of his property like many of the residents believe due to the costs that are associated with relocating his home and his shop. He said the current proposal offers a solution to the environmental issues without involving litigation.

Jim Evans (18 East 600 North) said he is in favor of the project. In his opinion, many of the residents do not understand all of the facts. This project will offer an opportunity for senior citizens to find housing in an area they are familiar with.

[**David Hale** returned at 8:35 P.M.]

Sam Welch (76 East 600 North) said he has been a Farmington resident for 81 years. He is in favor of the project and believes that the development can be properly maintained if the City places landscaping and maintenance requirements on the developer.

Chris Judd (82 West 600 North) said he is in favor of the proposal. He believes that the twin-homes will generate less traffic than that of a single-family development. The same residents who were opposed to the RDA (which would have allowed single family homes) are

also against the twin homes. He said the development is a good use for the property.

Scott Oldwage (38 North 200 West) said he is remodeling a duplex to be a single-family home because he wants to contribute to the area. He believes the development would be an improvement to the area. He said the development will cater to senior citizens so it will not likely generate canyon traffic.

Public Hearing Closed

With no further comments, **Mayor Harbertson** closed the public hearing.

Terry Derue addressed the following points that were raised by the residents:

Traffic: North Park Development randomly selected a City-recommended traffic engineering firm to conduct a traffic study. The traffic report indicated that the project is not large enough to cause a significant impact to the City's overall traffic. The report also indicated that twin homes generate less traffic than single family homes.

Historic Preservation: The Historic Preservation Commission indicated that the homes on the proposed property are not historically significant in nature. They recommended that the old Haugen home be studied to determine if it has historical value. **Mr. Drew** said the rear portion of the home has undergone extensive renovation. The interior of the home includes 1960's design. He said the home does not fit into the development and is not worth preserving.

Sales Contract Contingencies: The sales contract is contingent upon the City approving the rezone request. The Planning Commission recommended a reverter clause so the rezone would not be valid in the event Brady Hall does not develop the property. The sales contract is also contingent upon the amount of environmental clean up that is required. The property will not be purchased unless it has been determined that the clean up is financially feasible.

Preserving the Nature of Farmington: The original petition that was given to the Planning Commission included names of individuals who are adolescents, as well as residents who are no longer opposed to the project. He said **Jim Taylor** and **Tom Owens** indicated that they are interested in preserving the nature of Farmington, but they have both been involved in transactions that could possibly alter the nature of the area.

Mr. Drew concluded by saying that the conditional use would allow a development to have as many as 40 single-family residences. They are only requesting 30 buildings. They are willing to draft CC&R's that will restrict the units from being rented. The development will target senior citizens who will not impact the schools and who tend to be responsible citizens.

David Hale asked if the CC&R's will state that the units can only be occupied by senior

citizens.

Terry Derue said they have not yet contemplated whether they will place age restrictions on the units. He said it may create an unfair burden if a young, professional couple were to have a child.

David Hale said it is inappropriate to base the traffic study on the fact that the units will be occupied by senior citizens.

Terry Derue said the traffic report indicated that even if the development included single-family homes, it would not cause a significant traffic impact to the area since it is such a small project. He said the Council will have an opportunity to discuss whether an age restriction should be added to the CC&R's at a later stage in the development process.

David Hale said the traffic impact needs to be considered simultaneously with the rezone request.

In response to a question from **Mayor Harbertson**, **Terry Derue** said the units will be 1,855 square feet on the main floor. Many of the units will include an unfinished basement so there will be room to expand the living area. He said the Council's vote will determine whether they are willing to place age restrictions in the CC&R's. They are willing to include a restriction in the CC&R's that will prohibit the units from being used as rentals.

Rick Dutson said whether or not the developer receives approval, it should be the responsibility of the property owner to ensure that the water is not contaminated. He recommended that the traffic study be reviewed by Horrocks Engineers to verify that the access point is not a safety hazard.

Mayor Harbertson asked if the developer considered developing the upper parcel as estate property rather than twin homes.

Terry Derue said the profitability of the development is based on the density. If the upper property were to include estate lots, the density on the lower properties would need to increase.

Mayor Harbertson said he is concerned that the access to the project would be located at the road that accesses the pond. The line of vision is restricted which creates a significant safety issue. The current proposal would add 12 families to the problem.

Sid Young said in order to create a safe distance between the Development and the stop sign, the entire intersection would have to be reconfigured.

Terry Derue said if cars were backed up at the stop sign, the motorists may have to wait but would not impede the general flow of traffic. He said the developer should not be required to resolve the traffic issues for the area since the development would add a minimal number of residents. He suggested that the City petition UDOT regarding the possibility of mitigating the problem.

Sid Young asked how much the developer budgeted for the environmental testing/clean-up.

Terry Derue said they budgeted enough funding for Phase II testing/clean-up. Based on the findings of the EPA, they are not anticipating extensive problems.

Sid Young questioned why the Council should consider approving the proposed density.

Terry Derue said the project needs to be justified economically. He believes this proposal is an “elegant solution” for the area. This development will offer high quality homes with fewer roof tops than a single-family development. Demographic trends indicate that there is a high demand for this type of market.

Mayor Harbertson said the City generally allows increased density in exchange for open space or green space. This plan does not include those types of concessions. Although the land swap provides additional green space, it is a benefit to the Owens property.

Terry Derue said they have internally improved the project from the beginning so they do not have the flexibility to contribute much more. The quality of this development will be comparable to that of Hidden Meadows.

Paula Alder asked if it is acceptable to position 18 units on a dead-end street.

David Petersen said it is acceptable to use Rock Mill Lane since it is a public street. He said the plans were reviewed and approved by the Fire Chief.

Paula Alder said the units will be large enough to accommodate families. In her opinion, 1,850 square feet per floor is not considered a “downsize” for senior citizens.

David Hale said he is concerned that the traffic study was based on the units being occupied by senior citizens, yet the developer does not want to restrict the use. He is concerned that the developer seems “tight” on what he is willing to offer. He questions whether there will be additional corners cut as the process moves forward. He would prefer tabling or denying the request until the traffic study and other issues are resolved.

Sid Young said he is concerned about adding traffic to an area that is already facing

traffic issues. He is also concerned that the property is located in a visible area and there does not seem adequate justification to change the zoning.

Mayor Harbertson said he is not opposed to the appearance of the development but does have concerns regarding the increased density near the OTR zone, especially since the majority of the residents are opposed to it. He is also concerned that a precedent may be set for the undeveloped seven acres that remain in the area. He would prefer that the City prevent the density from continuing to the west. He said the developer should not be responsible to pay the price to clean up the Haugen property since it should be the responsibility of the property owner. He recommends that the Council follow the City's Master Plan.

Rick Dutson said there are many high density developments that are well done but so many fall into disrepair and become a blight to the community. He said after considering all of the issues, he would recommend that the applicant's request be denied.

Paula Alder said she agrees with the points that have been raised by the other members of the Council.

David Hale questioned whether there would be any benefit to tabling the request rather than denying it.

Rick Dutson said he would consider tabling the request if he felt the developer were willing to decrease the density, but the developer has made it clear that they are not likely in a position to negotiate.

Motion

Paula Alder moved that the City Council deny the applicant's request to rezone approximately 9.8 acres located at 48 West 600 North from OTR-F, LR-f and A-F to R-2-F/Consideration of Schematic Plan approval for proposed 30 twin home buildings. **Sid Young** seconded the motion, which passed by unanimous vote.

Larry Haugen returned to his position as a member of the Council.

CONSIDERATION OF APPEAL OF PLANNING COMMISSION'S DECISION TO DENY A REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL (APPLICATION #C-5-06) FOR CLASS A SELF-STORAGE FACILITY LOCATED AT 549 WEST BOURNE CIRCLE ADJACENT TO SOUTH SIDE OF PARK LANE ON 3.011 ACRES - NIXON & NIXON (Agenda Item #3)

Dan Nixon (895 Wall Avenue, Ogden) said when he appeared before the Planning Commission, there were technical issues regarding the planned center development. He invited

his Attorney, Dana Farmer, to explain the basis for their appeal.

Dana Farmer said his client's application was denied since it was not filed with a planned center development (PCD) or planned unit development (PUD). He read from the CMU Ordinance, Chapter 19, Section 11-19-104 which stated that Class "A" storage is an acceptable use for the zone. He said the Farmington Fields subdivision was approved prior to the creation of the CMU zone text. He said the applicant should not be required to apply for conditional use approval, as well as the PUD/PCD. The applicant owns a single lot in a subdivision and should not be obligated to follow the subdivision requirements. He said the application for a PUD or a PCD should have occurred simultaneously with the subdivision application. He said his client is a "misfit" in the Ordinance so the Planning Commission denied his request for conditional use. There was no other basis given for their denial other than the fact that the application was not accompanied by an application for a PCD/PUD. He said the Planning Commission briefly discussed whether the property should be considered a primary or secondary location but City staff never provided them with a definition. He believes the site is a secondary commercial site since it is a narrow lot that abuts an interchange and has a limited amount of frontage.

Dan Nixon said he is willing to answer questions the Council may have regarding the development.

David Petersen gave a brief history of the CMU zone and the NMU zone. He said the zone text was adopted shortly before **Greg Bell** created the Farmington Fields subdivision. The planned center development concept was created for the CMU zone and was added to the NMU text shortly thereafter. **Greg Bell** was obviously unaware that the dynamics were occurring.

Mr. Petersen explained that **Mr. Nixon** created standards for Class "A" self-storage, as requested by the Planning Commission. The text stated that Class "A" storage should be located on secondary sites. The Planning Commission realized that all developments in the CMU zone need to be considered as part of a planned center development, which is why they denied the applicant's request. They never determined whether the site is primary or secondary.

Todd Godfrey (City Attorney) said the issue is an anomaly but it does not excuse the City from following City ordinances. He suggested that the Planning Commission have the opportunity to consider the merits of the application so that the decision can not be overturned by a third party. The Planning Commission should consider the application as a PCD or a PUD and determine whether the property is a primary or secondary site.

The Council agreed that the Planning Commission should consider the request based on merit and offer a recommendation to the Council.

Mr. Farmer said the Planning Commission considered the application on four separate occasions. In his opinion, the Planning Commission did not want the storage units located at the “gateway to the City” so they used the PUD/PCD technicality as a basis for their denial.

Dan Nixon said during previous meetings with the Planning Commission, they recommended major design changes. He displayed renderings and pointed out the changes that he made based on the input given by the Commission. The Planning Commission has already conducted design review but denied the application based on a technicality. He said he is willing to work with **Charlie Hunsaker, Greg Bell** and the City regarding the PCD overlay but said he does not want to continue reconsidering the design.

Mayor Harbertson questioned whether the manager’s apartment is allowed in the CMU zone since the General Plan only allows non-residential uses.

David Petersen said in the LM&B zone, management apartments are considered accessory living quarters rather.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Mayor Harbertson** closed the public hearing.

Motion

David Hale moved that the City Council deny the appeal of the Planning Commission’s decision and direct the applicant to reappear before the Planning Commission to discuss the merits of the application, as directed by the City Attorney. **Rick Dutson** seconded the motion.

Todd Godfrey said he does not intend for the Planning Commission to reconsider the design process.

The motion passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF APPEAL OF PLANNING COMMISSION’S DECISION REGARDING CERTAIN CONDITIONS OF APPROVAL FOR A SPECIAL EXCEPTION TO ESTABLISH A BILLBOARD ADJACENT TO THE EAST SIDE OF THE I-15 FRONTAGE ROAD/LAGOON DRIVE AT APPROXIMATELY 300 SOUTH IN A BP ZONE - REAGAN OUTDOOR ADVERTISING (Agenda Item #4)

David Petersen reported that City staff and the representatives for Reagan Outdoor Advertising agreed that the hearing should be continued until November 21, 2006, since the parties involved are attempting to resolve the issue.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Mayor Harbertson** closed the public hearing.

Motion

Rick Dutson moved that the City Council continue consideration of the appeal of the Planning Commission's decision regarding certain conditions of approval for a special exception to establish a billboard until November 21, 2006. **Larry Haugen** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS

Trail Master Plan Public Hearing

Max Forbush informed the Council Members that the newsletter advertised the wrong date for the public hearing pertaining to the amendments to the Trails Master Plan. The Council discussed the issue and agreed to hold another public hearing on December 5, 2006, after proper notice has been given.

Decorative Street Lighting

The Council reviewed the information that was given to them by the City Manager during their work session in regards to the decorative street lighting. They agreed that the increased lighting would enhance the City and would prevent the City from having to augment lighting that is installed by developers.

Motion

Rick Dutson moved that the City Council follow the recommendation of the City Manager by providing decorative lighting in the back of cul-de-sacs, at intersections, and in 350 to 400 foot intervals in subdivisions. This represents a change from the past and increases the frequency of street lighting. **Larry Haugen** seconded the motion, which passed by unanimous

vote.

ADJOURNMENT

Larry Haugen moved that the meeting adjourn at 10:15 P.M.

Margy Lomax, City Recorder
Farmington City